

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANA PENA, on behalf of herself and on behalf of  
other similarly-situated individuals,

Plaintiff,

Civil Action No. 15-CV-3624 (JCF)

-against-

93 LUDLOW ST., INC. a.k.a THE DL a.k.a.  
DINNER ON LUDLOW, 115 AVENUE C LLC,  
PAUL SERES, in his individual and professional  
capacities, ROBERT NOWAK, in his individual and  
professional capacities, ALEKSANDRA DROZD, in  
her individual and professional capacities, TOMASZ  
DYSZKIEWICZ, in his individual and professional  
capacities,

Defendants.

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**[PROPOSED] FINAL ORDER GRANTING APPROVAL OF CLASS SETTLEMENT,  
ENHANCEMENT AWARD TO PLAINTIFF, AND ATTORNEYS' FEES AND  
EXPENSES TO CLASS COUNSEL**

WHEREAS, on May 28, 2015, the Amended Complaint was filed in the above-captioned  
action by Named Plaintiff Ana Pena, and was styled as a class and collective action;

WHEREAS, on June 25, 2015, Defendants filed an Answer to the Amended Complaint,  
denying the causes of action alleged in the Amended Complaint;

WHEREAS, on or about April 27, 2016, as a result of targeted discovery and substantial  
arms-length negotiation, including, but not limited to, a settlement conference before The  
Honorable James C. Francis IV, United States Magistrate Judge, the parties executed the  
Settlement Agreement and Release (the "Settlement") resolving this action on a class wide basis,  
which is attached as Exhibit A to the Declaration of David E. Gottlieb, and is incorporated herein  
by reference;

WHEREAS, all aspects of the Settlement resolve Plaintiff's claims as well as the class or collective claims arising from this suit;

WHEREAS, on May 31, 2016, Plaintiff filed an Unopposed Motion for Preliminary Approval of the Settlement;

WHEREAS, on June 16, 2016, the Court preliminarily approved the Settlement and ordered Plaintiff to submit a Motion for Final Settlement Approval "at the appropriate time," in anticipation of a fairness review hearing on September 27, 2016;

WHEREAS, on August 22, 2016, the Court adjourned the fairness review hearing until November 15, 2016;

WHEREAS, on August 29, 2016, court-approved notices of the Settlement were sent to approximately 182 current and former Service Employees employed during the FLSA and NYLL periods;

WHEREAS, no Class Members have opted out of this action or objected to the Settlement;

WHEREAS, on or about November 8, 2016, Plaintiff filed an Unopposed Motion for Final Approval of Class Settlement and Enhancement Award to Named Plaintiff, and an Unopposed Motion for Approval of Attorneys' Fees and Expenses for Class Settlement;

WHEREAS, the Court has reviewed the Settlement, the Unopposed Motion for Final Approval of Class Settlement and Enhancement Award to Named Plaintiff, and the Unopposed Motion for Approval of Attorneys' Fees and Expenses for Class Settlement; and

WHEREAS, the Court held a fairness review hearing on November 15, 2016, which was attended by counsel for all parties.

**WHEREFORE, IT IS HEREBY ORDERED THAT:**

1. The Court certifies the Settlement Class of:

All Waiters, Servers, Bussers, Runners, Bartenders, Barbacks, Hosts and tipped service employees who worked at the Defendants' entity known as "Dinner on Ludlow" or "the DL" located at 95 Delancey Street, New York, New York 10002 between May 8, 2009 and March 10, 2016.

2. This Court grants final approval of the Settlement and all terms set forth in the Settlement, and finds that the Settlement is, in all respects, a fair, reasonable, and adequate resolution of Plaintiff's and Class Members' claims.

3. This Court further approves enhancement award in the amount of \$15,000.00 to Plaintiff Ana Pena, to be paid from the Settlement.

4. This Court further approves and awards Class Counsel \$128,333.33 in attorneys' fees, and \$2,585.86 in out-of-pocket expenses to be paid from the Settlement.

5. This Court further approves and awards the Claims Administrator's, Garden City Group, LLC, fees and costs to be paid from the Settlement.

6. This entire action is dismissed with prejudice, and without costs to any party. Plaintiff and all Class Members release any and all claims pursuant to the Settlement.

7. The parties having so agreed, good cause appearing, and there being no just reason for delay, this is hereby entered as a final judgment and order approving Class Settlement of Plaintiff's and Class Members' claims, enhancement award to the Named Plaintiff, the payment of attorneys' fees and costs to Class Counsel, and dismissal of the entire action.

Dated: November 15, 2016  
New York, New York

**SO ORDERED**

Hon. James C. Francis IV  
United States Magistrate Judge